

**THE STATE OF NEW HAMPSHIRE**  
**PUBLIC UTILITIES COMMISSION**

**DE 09-009**

**ORDER OF NOTICE**

On February 4, 2009, Unital Energy Systems, Inc. (UES) filed with the Commission a red-lined copy of the Request for Proposals (RFP) issued by UES on February 3, 2009 soliciting default service for its large commercial and industrial customers (G1) customers and small commercial and residential customers (non-G1) customers. UES filed the RFP pursuant to a Settlement Agreement approved by the Commission in Docket No. DE 05-064. *Unital Energy Systems, Inc.*, 90 NH PUC 378 (2005). The Settlement Agreement sets forth the procedure for UES to procure default service power supply for both its G1 and non-G1 customer groups.

Pursuant to the Settlement Agreement, UES solicits 100 % of default service requirements for its G1 customers on a quarterly basis, requesting a three-month default service power supply. UES then develops fixed monthly default service rates based on the approved bid. For its non-G1 customers, UES procures default service supply using a “laddered” portfolio. Under the portfolio approach, UES solicits bids in four blocks, two two-year term blocks and two one-year terms blocks, each representing 25% on non-G1 requirements.

UES stated that the February 3, 2009 solicitation seeks bids for 100% of the power supply requirements for its G1 customers for the months of May, June, and July, 2009, 25% of the non-G1 customers’ requirements for the one-year period from May 1, 2009 through April 30, 2010, and 25% of the non-G1 customers’ requirements for the two-year period from May 1, 2009 through April 30, 2011.

The approximate schedule for public hearings on the issuances for the 2009 filings, including the instant RFP, follows:

March 2009	RFP for G1 (three month supply for May through July, 2009); non-G1 (25% of total requirements) for May 2009 through April, 2010 rates; and non-G1 (25% of total requirements) for May, 2009 through April, 2011.
May 2009	RFP for G1 (three month supply for August through October, 2009).
August 2009	RFP for G1 (three month supply for November 2009 through January, 2010); non-G1 (25% of total requirements) for November 2009 through October 2010.
November 2009	RFP for G1 (three month supply for February 2010 through April 2010).

The Commission designates Docket No. DE 09-009 as the docket number for all of UES' 2009 solicitations.

The filing raises, inter alia, issues related to whether the resulting rates are just and reasonable as required by RSA 378:5 and 7; and whether UES has procured default service consistent with the principles of the electric utility restructuring statute (RSA 374-F:3(V)(c)-(e)). Each party has the right to have an attorney represent them at their own expense.

**Based upon the foregoing, it is hereby**

**ORDERED**, that a Hearing be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on March 18, 2009 at 10:00 a.m.;

**FURTHER ORDERED**, that pursuant to N.H. Admin. Rules Puc 203.12, UES shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than February 19, 2009, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before March 18, 2009; and it is

**FURTHER ORDERED**, that pursuant to N.H. Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to UES and the Office of the Consumer Advocate on or before March 13, 2009, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.17 and RSA 541-A:32,I(b); and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said Objection on or before March 18, 2009.

By order of the Public Utilities Commission of New Hampshire this thirteenth day of February, 2009.

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Debra A. Howland  
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.